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PATENT APPLICATION

ATTORNEY DOCKET NO. 10013458-1

#16/Reply
Brief
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JH

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Paul C. Coffin et al.

Serial No.:
10/028,875

Filed:
October 22, 2001

For:
**Device for Limiting Movement of a Body
in Relation to Another**

Group Art Unit:
3682

Examiner:
Bradley J. Van Pelt

REPLY BRIEF

THE ASSISTANT COMMISSIONER OF PATENTS
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Alexandria, VA 22313-1450

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FEB 12 2004

GROUP 3600

Sir:

INTRODUCTION

Pursuant to the provisions of 37 C.F.R §1.193, Applicant hereby provides this Reply Brief in response to the Examiner's Answer in Paper 15 dated 16 December 2003 for the above identified Application.

REMARKS

1. Claims Remaining in the Application:

Claims 1, 2, 5-8, and 14-23 were presented in their final accepted form as amended under 37 CFR §1.116 following final rejection on 07/31/2003 in the Appeal Brief filed on 10/28/2003.

2. Response to Examiner's Arguments:

In item 11 in the second paragraph on page 3 of Paper 15, referring to Beals et al., U.S. Patent Number 5,433,516 entitled "Filing Cabinets", hereinafter *Beals*, Examiner states that "the first section 190 part of the continuous piece 181 is fastened, secured, and joined to second body 170. As shown in fig. 24, the piece 180 is snapped into place on cross-bar 183 of the second body 170. Therefore, the first section part 190 must be attached to the second body 170; otherwise the piece would not be supported." Figure 24A of *Beals* appears to identify four areas 190, 188, 186 and 184 of the item 180. It is in the vicinity of 184 that the item 180 appears to be attached to 170 NOT at 190.

The argument that 190 is attached to 170 appears to depend upon 181 being a continuous piece and that, if one end of 181 is attached to 170, then the other must be attached also. This argument is unreasonable and incorrect. It applies an inappropriate interpretation to the word "attach". Because item A is attached to item B in area X of item A, it cannot be argued that area Y which is removed from area X is also attached to item B. In an analogy, a vertical radio antenna attached to the ground at its base cannot be said to also have its top section attached to the ground. Its top section is NOT secured to the ground, NOR it is fastened to the ground, NOR is it joined to the ground. The base is ALL of these things, the top is NONE. It can be stated that the radio antenna is attached to the ground and that the base of the radio antenna is attached to the ground but NOT that the top section is attached to the ground. In another analogy, a cantilevered beam which has one end section attached to a wall CANNOT be said to have the other end section also attached to the wall. If one said that "both ends of the cantilevered beam were attached to the wall", it would no longer be a cantilevered beam. It would simply be a beam attached at both ends to the wall.

Claim 1 of the Present Applicant claims "a bendable piece of material" which comprises two distinct sections, one at one end of the piece and one at the other end of the

piece being separated by a bend. Claim 6 adds a third section separated from the second section by another bend. Claim 8 adds a fourth section separated from the third section by an additional bend. The various sections of the piece are clearly differentiated as is the claim requirement that "at least a portion of the first section is attached to the second body". In claim 1 of the Present Application, it is the first section that is attached to the second body NOT the second section; in claim 6, it is the first section again that is attached to the second body NOT the third section; and in claim 8, it is the first section once again that is attached to the second body NOT the fourth section. Whereas in *Beals*, it appears that it is area 184 (of 180), which is removed from area 190, that is attached to 170 NOT the 190 area of 180.

Referring to item 11 in the third paragraph on page 3 of Paper 15, Applicant believes that he does understand the functionality of *Beals*. However, Applicant fails to find that *Beals* reads on the claims of the Present Application. In particular, as claim 1 of the Present Application comprises "a bendable piece of material, wherein the piece comprises a first section and a second section contiguous to the first section, wherein the second section forms a first angle with respect to the first section" and as Examiner has chosen to identify item 190 of *Beals* with the first section of the Present Application, Applicant is led to the conclusion that item 188 then would be identified with the second section of the Present Application. In such case, unless the additional elements 186 and 184 of item 180 are added to the combination of 190 and 188, the combination 190 and 188 are UNATTACHED to anything and thus are incapable of effectively stopping the motion of 170. If on the other hand, elements 186 and 184 are added to the combination 190 and 188, *Beals* no longer reads on claim 1 of the Present Application as there are no elements of this claim that can possibly be analogous to items 186 and 184. Claims 6 and 8 of the Present Application do add respectively a third and a fourth section to the piece. Applicant believes that Examiner is alleging an analogy between 186 and the third section of the piece of the Present Application and between 184 and the fourth section of the piece of the Present Application. As such, it is Examiner's analogous fourth section (184) that is attached to his analogous second body (170) NOT his analogous first section (190). Whereas, in the Present Application, it is the FIRST SECTION that is attached to the second body, NOT the FOURTH SECTION!

Referring to item 11 in the fourth paragraph on page 3 of Paper 15, Examiner has again chosen to apply an inappropriate and incorrect interpretation of a word. First Applicant wishes to point out that Claim 1 of the Present Application claims "at least a portion of the

first section is ATTACHED to the second body". The word "attached" is used NOT the word "secure". Further, the Present Application clearly states "Figure 1B is a drawing of the device 100 of figure 1A located in a first position 215 for limiting the movement of one body in relation to another as described in various representative embodiments consistent with the teachings of the invention. In the representative embodiment of figure 1B, the lock spring 100 shown is that of the first representative embodiment of figure 1A and is ATTACHED to a second body 210 at portion 145" (page 5, lines 12-17 of the Present Application). As stated in MPEP 2173.01 "A fundamental principle contained in 35 U.S.C. 112, second paragraph is that applicants are their own lexicographers. They can define in the claims what they regard as their invention essentially in whatever terms they choose so long as the terms are not used in ways that are contrary to accepted meanings in the art." The meaning of the word "attached" is clear from the description of Figure 1B as found on page 5, lines 12-17 of the Present Application and as reproduced above. From Figure 1B and the remainder of the Present Application, it is clear that the word "attached" is NOT used in the sense of being "accomplished by applying a force to both of the objects".

3. Regarding Rejection of Independent Claim 1 Under 35 USC § 102(b):

Thus as demonstrated above, *Beals* fails to disclose every element of claim 1. In particular, a first section of which a portion is attached to a second body. Because *Beals* fails to teach every element of claim 1 as required by MPEP 2131, *Beals* does not anticipate claim 1. In addition, *Beals* fails to suggest every element of claim 1. Thus, claim 1 is allowable over *Beals*.

4. Regarding Rejection of Dependent Claims 2, 5-8, 14, & 17-23 Under 35 USC § 102(b):

As claims 2, 5-8, 14, and 17-23 each depend from independent claim 1, they each incorporate all of the limitations of claim 1. For this and the reasons just enunciated, *Beals* fails to disclose every element of claims 2, 5-8, 14, and 17-23. Because *Beals* fails to teach every element of claims 2, 5-8, 14, and 17-23 as required by MPEP 2131, *Beals* does not anticipate claims 2, 5-8, 14, and 17-23. In addition, *Beals* fails to suggest every element of claims 2, 5-8, 14, and 17-23. Thus, claims 2, 5-8, 14, and 17-23 are allowable over *Beals*.

5. Regarding Rejection of Claims 15 & 16 Under 35 USC § 103(a):

And because dependent claims 15 and 16 each depend from independent claim 1, Applicant notes that dependent claims 15 and 16 each have all the features described above for claim 1 as elements. As demonstrated above, independent claim 1 is not anticipated by *Beals*, nor does *Beals* suggest every element of claim 1. The claim features indicated above are likewise missing from *Greenheck*. Thus, the prior art references when combined do not teach, nor do they suggest, all the claim limitations of claims 15 and 16 as required by MPEP 2142. As such, claims 15 and 16 are not obvious over *Beals* in view of *Greenheck*, and it follows that claims 15 and 16 are allowable.

6. Summary & Conclusion:

In summary, the claims of the Present Application differ from the cited alleged prior art. There is a lack of suggestion or motivation to modify "the teachings of the alleged prior art to produce the claimed invention", and all claim limitations are not "taught or suggested by the prior art". Nor would it have been obvious to one of ordinary skill in the art at the time of the Present Invention to have combined and/or modified the teachings of the alleged prior art. Thus, the Present Application is nonobvious over alleged prior art.

Applicant respectfully requests the Board to reverse the final rejection and to order the examiner to pass this application to allowance and issue.

Respectfully submitted,

by Morley C. Tobey, Jr.

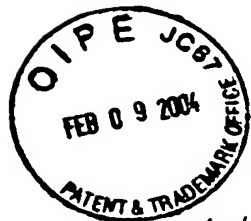
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IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

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Title: Device for Limiting Movement of a Body in Relation to Another

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TRANSMITTAL OF REPLY BRIEF

GROUP 3600

Sir:

Transmitted herewith in **triplicate** is the Reply Brief with respect to the Examiner's Answer mailed on Dec. 16, 2003. This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new grounds of rejection.)

No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 08-2025.

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Respectfully submitted,

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